

1
2
3
FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

4
5
6
7
Oct 28, 2021
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SEAN F. MCVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ALLAH@,
SP/C, 5% Nation of Islam

Petitioner,

v.

DONALD R. HOLBROOK,
Sup of WSP

Respondent.

No. 4:21-CV-05120-SAB

ORDER DISMISSING ACTION

On October 5, 2021, this Court ordered Petitioner, a *pro se* prisoner at the Washington State Penitentiary, to submit a completed *in forma pauperis* application within twenty-one (21) days of the date of that Order. ECF No. 3. In the alternative, Petitioner was advised that he could pay the full \$5.00 filing fee. The Court cautioned Petitioner that his failure to comply with that Order would result in the dismissal of this action.

Petitioner has neither paid the filing fee nor sought *in forma pauperis* status in this action as required by Rule 3(a)(2), Rules Governing Section 2254 Cases in the United States District Courts.

//

ORDER DISMISSING ACTION -- 1

1 Having failed to comply with Habeas Rule 3(a)(2), **IT IS ORDERED** that
2 this action is **DISMSISED without prejudice**.

3 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,
4 enter judgment, provide copies to Petitioner, and **close** the file. The Court certifies
5 that, pursuant to 28 U.S.C. § 1915(a)(3), an appeal from this decision could not be
6 taken in good faith and there is no basis upon which to issue a certificate of
7 appealability. *See* 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b). A certificate of
8 appealability is therefore **DENIED**.

9 **DATED** this 28th day of October 2021.



10
11
12
13 Stanley A. Bastian

14 Stanley A. Bastian
15 Chief United States District Judge
16
17
18
19
20
21
22
23
24
25
26
27
28